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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/499,031	02/07/2000	Kyung-Geun Lee	1293.1090/MDS	9630

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EXAMINER

HINDI, NABIL Z

ART UNIT	PAPER NUMBER
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2655

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DATE MAILED: 05/07/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.
09/499,031

Applicant(s)
LEE

Examiner
Nabil Hindi

Art Unit
2655



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE three MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Jan 2, 2003
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 7, 9, 11-14, 19, 20, 25, 33, 35, 37, 38, 45, 47, and 55 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 7, 9, 11-14, 19, 20, 25, 33, 35, 37, 38, 45, 47, and 55 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ 6) ☐ Other:

Art Unit: 2651

In response to applicant's amendment dated January 02, 2003. The following action is taken:

Applicant's amendment did not overcome the examiner's rejection with respect to the reference Horikiri. The claims are rejected for the same reasons (with respect to the Horikiri reference) set forth in the previous office action mailed Dec. 26, 2001 repeated herein for applicant's convenience.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 7, 9, 11-14, 19-20, 25, 33, 35, 37, 38, 45, 47 and 55 are rejected under 35 U.S.C. 103(a) as being unpatentable over Horikiri (5537373).

Applicant's attention is drawn to fig 1A corresponding to fig 5 of the claimed invention. The references discloses the use of an optical disk recording and reproducing apparatus comprising a disk having wobbled land and grooves therein, each of the land 2 or groove 1 is out of phase with the land/groove, and each of the groove/land is in phase with the land/groove (as illustrated in fig 1A of Horikiri), a wobbling signal detector (photo detection means elements 9-10 of Horikiri , a wobbling signal determining means to determine either the light is tracking a land track or a groove track fig 1B, and tracking controller to track either track.

Art Unit: 2651

With respect to any of the dependent claims drawn to the land/groove phase different or being the same. Such limitation is present in each of the references since either one shows the use of an out of phase first area (land or groove) and in-phase second area (land or groove).

With respect to the dependent claims drawn to the address information (header) positioned at a boundary line between the land and groove tracks. Such limitation is well established in the art as acknowledged by applicant's own prior art.

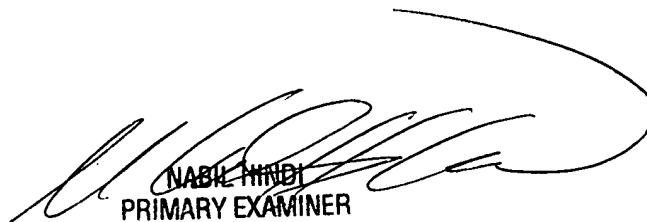
With respect to the limitations of the dependent claims drawn to the signal processing to determine whether the light beam is tracking a land or groove track. The limitation is present in figs 1B and 2B of Horikiri.

Applicant's arguments filed January 02, 2003 have been fully considered but they are not persuasive. Applicant's arguments with respect to the reference Maeda et al is moot since the amendment overcome the rejection. However, the reference Horikiri does disclose the claimed invention as shown in fig 1A which corresponding to fig 5 of the claimed invention. As shown in fig 1A, the reference does disclose the use of a wobbled groove and land tracks 1 and 2 in the radial direction, the wobble of the first groove 1 is in phase, the wobble of the adjacent land track 2 is out of phase. The wobble of the next (second groove 2) is in phase although it is different phase from the first groove track. The wobble of the next (second) land track is out of phase and it is different from the previous land track meeting the claimed disk land/groove structure. In response to applicant's argument regarding the 180 degree phase shift. The

Art Unit: 2651

specification does not disclose an criticality with respect to the phase shift degree and merely cite the phase shift to be a non-positive limitation "maybe" 180 degrees. The reference illustrates an out of phase land track 2 which appears to be a 180 degrees compared to the out of phase first type track m-1 of fig 5 of the claimed invention.

Any inquiry concerning this communication should be directed to NABIL.HINDI at telephone number 308.1555


NABIL HINDI
PRIMARY EXAMINER
GROUP 2651